# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA



Order Instituting Rulemaking to Promote Policy And Program Coordination and Integration in Electric Utility Resource Planning

Order Instituting Rulemaking to Promote Consistency in Methodology and Input Assumptions in Commission Applications of Short-Run And Long-Run Avoided Costs, Including Pricing for Qualifying Facilities. Rulemaking 04-04-003 (Filed April 1, 2004) (QF Issues)

Rulemaking 04-04-025 (Filed April 22, 2004) (QF Issues)

# NOTICE OF EX PARTE COMMUNICATION OF THE CALIFORNIA COGENERATION COUNCIL

Pursuant to Rule 8.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (the "Commission"), the California Cogeneration Council ("CCC") submits this Notice of *Ex Parte* Communication.

On September 17, 2007 at approximately 5:00 p.m., representatives of the CCC discussed, on a conference call, the Alternate Proposed Decision ("Alternate PD") with Andrew Schwartz, advisor to President Peevey. The CCC Representatives on the call were Beth Vaughan, Executive Director of the CCC, R. Thomas Beach, consultant to the CCC, David Hermanson, a member of the CCC employed by Primary Energy, and Jerry R. Bloom and Joseph M. Karp of Winston & Strawn, LLP, counsel for the CCC.

On the call, the CCC representatives explained their position on the Alternate PD in the above-captioned proceedings. The CCC representatives stated that the Alternate PD is, in many respects, a significant improvement over the original Administrative Law Judge's Proposed Decision ("PD"). The CCC representatives stated the Alternate PD still places too much weight on the NP-15 and SP-15 spot market prices and proposed they account for no more than one third of the SRAC formula, with the existing administrative values making up the difference. The CCC representatives explained why the Southern California Edison Company's ("SCE") administrative heat rate should be set at 9,705 Btu/kWh and that the record on the proceedings supports this value as reasonable. The CCC representatives proposed that the Commission

require the utilities to employ, on an interim basis, the updated time of use ("TOU") factors adopted by the Commission for energy efficiency and demand response programs, and revisit these interim TOU factors in the technical workshop that the Alternate PD requires 60 days after the Commission's decision. The CCC representatives also explained that PG&E City-gate prices are much better indicators of gas prices actually being paid by electricity generators and should be used in PG&E'S new SRAC formula rather than the arbitrary 50/50 mix of Malin and Topock gas. The CCC representatives stated the 2007 MPR should serve as the basis for the combined cycle gas turbine fixed costs of the firm capacity price calculation. The CCC representatives said that the Commission should increase the as-available capacity price to reflect a realistic capital cost for the combustion turbine proxy. Finally, the CCC representatives stated that the Commission should base the NP-15/SP-15 based heat rate component on a rolling average of 12 months of forward prices.

Respectfully submitted,

Jøseph M. Karp

Winston & Strawn, LLP

101 California Street

39<sup>th</sup> Floor

San Francisco, California 9411

Telephone: 415-591-1000 Facsimile: 415-591-1400

jkarp@winston.com

Attorney for the California Cogeneration Council

September 20, 2007

#### **Certificate of Service**

I hereby certify that I have this day served a copy of the

### Notice of Ex Parte Communication of the California Cogeneration Council

on all known parties to R.04-04-003 and R.04-04-025 by sending a copy via electronic mail and by mailing a properly addressed copy by first-class mail with postage prepaid to each party named in the official service list without an electronic mail address.

Executed on September 20, 2007, at San Francisco, California.

Marçus Russo

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Proceeding: R0404003 - CPUC - PG&E, EDISON,

Filer: CPUC - PG&E, EDISON, SDG&E

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#### **Parties**

ALAN NOGEE
UNION OF CONCERNED SCIENTISTS
2 BRATTLE SQUARE
CAMBRIDGE, MA 02238

LISA M. DECKER
CONSTELLATION ENERGY GROUP, INC.
111 MARKET PLACE, SUITE 500

TOM SKUPNJAK
CPG ENERGY
5211 BIRCH GLEN
RICHMOND, TX 77469

BALTIMORE, MD 21202

TIMOTHY R. ODIL
MCKENNA LONG & ALDRIDGE LLP
1875 LAWRENCE STREET, SUITE 200
DENVER, CO 80202

DANIEL W. DOUGLASS
DOUGLASS & LIDDELL
21700 OXNARD STREET, SUITE 1030

ROGER BERLINER
ATTORNEY AT LAW
BERLINER LAW PLLC
1747 PENNSYLVANIA AVE. N.W., STE 825
WASHINGTON, DC 20006

JAMES ROSS RCS INC. 500 CHESTERFIELD CENTER, SUITE 320 CHESTERFIELD, MO 63017

PAUL M. SEBY
MCKENNA LONG & ALDRIDGE LLP
1875 LAWRENCE STREET, SUITE 200
DENVER, CO 80202

MAUREEN LENNON
CALIFORNIA COGENERATION COUNCIL
595 EAST COLORADO BLVD., SUITE 623
PASADENA, CA 91101

BERJ K. PARSEGHIAN ATTORNEY AT LAW SOUTHERN CALIFORNIA EDISON COMPANY

WOODLAND HILLS, CA 91367-8102 2244 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

JAMES WOODRUFF ATTORNEY AT LAW

JANET COMBS ATTORNEY AT LAW SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

ROSEMEAD, CA 91770

RIGHT AT LAW
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

MICHAEL A. BACKSTROM ATTORNEY AT LAW

SOUTHERN CALIFORNIA EDISON COMPANY

SEMPRA ENERGY RESOURCES

2244 WALNUT GROVE AVENUE

101 ASH STREET

SAN DIEGO, CA 92101

DANIEL A. KING

GEORGETTA J. BAKER ATTORNEY AT LAW

SENIOR DIRECTOR, COUNSEL

SAN DIEGO GAS & ELECTRIC/SOCAL GAS

101 ASH STREET, HQ 13

SAN DIEGO, CA 92101

ENIOR DIRECTOR, COUNSEL

EDISON MISSION ENERGY

18101 VON KARMAN AVE., STE 1700

IRVINE, DC 92612-1046

CRYSTAL NEEDHAM

W. PHILLIP REESE CALIFORNIA BIOMASS ENERGY ALLIANCE, LLC ATTORNEY AT LAW PO BOX 8 SOMIS, CA 93066

MICHEL PETER FLORIO THE UTILITY REFORM NETWORK (TURN) 711 VAN NESS AVENUE, SUITE 350 SAN FRANCISCO, CA 94102

CLEVELAND LEE

KAREN P. PAULL CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 5122
ROOM 4300
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4300
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MARION PELEO CALIF PUBLIC UTILITIES COMMISSION LEGAL DIVISION ROOM 4107 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

DEVRA WANG NATURAL RESOURCES DEFENSE COUNCIL 111 SUTTER STREET, 20TH FLOOR SAN FRANCISCO, CA 94104

EVELYN KAHL ATTORNEY AT LAW

ALCANTAR & KAHL, LLP

120 MONTGOMERY STREET, SUITE 2200

SAN FRANCISCO, CA 94104

ATTORNEY AT LAW

PACIFIC GAS AND ELECTRIC COMPANY

77 BEALE STREET

SAN FRANCISCO, CA 94105 SAN FRANCISCO, CA 94104

EDWARD V. KURZ

MARY A. GANDESBERY ATTORNEY AT LAW PACIFIC GAS AND ELECTRIC COMPANY 77 BEALE STREET 77 BEALE STREET SAN FRANCISCO, CA 94105

SHIRLEY WOO ATTORNEY AT LAW PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, B30A
SAN FRANCISCO, CA 94105

ANN G. GRIMALDI MCKENNA LONG & ALDRIDGE LLP 101 CALIFORNIA STREET, 41ST FLOOR SAN FRANCISCO, CA 94111

KAREN BOWEN
ATTORNEY AT LAW
WINSTON & STRAWN LLP
101 CALIFORNIA STREET SAN FRANCISCO, CA 94111

JOSEPH M. KARP

JEFFREY P. GRAY ATTORNEY AT LAW
WINSTON & STRAWN LLP
101 CALIFORNIA STREET
SAN FRANCISCO, CA 94111-5802
ATTORNEY AT LAW
DAVIS WRIGHT TREMAINE LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CA 94111-6533 ATTORNEY AT LAW

ARTHUR L. HAUBENSTOCK PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442 SAN FRANCISCO, CA 94120

SARA STECK MYERS ATTORNEY AT LAW
LAW OFFICES OF SARA STECK MYERS
122 - 28TH AVENUE
SAN FRANCISCO, CA 94121

ALAN PURVES CALIFORNIA LANDFILL GAS COALITION 5717 BRISA STREET LIVERMORE, CA 94550

RICK NOGER PRAXAIR PLAINFIELD, INC. SUITE 118 2678 BISHOP DRIVE SAN RAMON, CA 94583

WILLIAM H. BOOTH ATTORNEY AT LAW LAW OFFICES OF WILLIAM H. BOOTH 1500 NEWELL AVENUE, 5TH FLOOR WALNUT CREEK, CA 94596

ANDREW HOERNER REDEFINING PROGRESS 1904 FRANKLIN STREE OAKLAND, CA 94612 1904 FRANKLIN STREET, 6TH FLOOR

CLIFF CHEN UNION OF CONCERNED SCIENTISTS 2397 SHATTUCK AVENUE, SUITE 203 BERKELEY, CA 94704

ERIC LARSEN ENVIRONMENTAL SCIENTIST RCM INTERNATIONAL, L.L.C. PO BOX 4716 BERKELEY, CA 94704

GREGG MORRIS

NANCY RADER GREEN POWER INSTITUTE CALIFORNIA WIND ENERGY ASSOCIAT 2039 SHATTUCK AVE., SUITE 402 2560 NINTH STREET, SUITE 213A CALIFORNIA WIND ENERGY ASSOCIATION BERKELEY, CA 94704

BERKELEY, CA 94710

TOM BEACH
CROSSBORDER ENERGY
2560 NINTH STREET, SUITE 213A
REPKELEY. CA 94710-2557
PATRICA MICDONNELL
AGLAND ENERGY SERVICES, INC.
2000 NICASIO VALLEY RD.
NICASIO, CA 94946

BARBARA GEORGE WOMEN'S ENERGY MATTERS PO BOX 548 FAIRFAX, CA 94978

MICHAEL E. BOYD CALIFORNIANS FOR RENEWABLE ENERGY, INC. 5439 SOQUEL DRIVE SOQUEL, CA 95073

JOY A. WARREN ATTORNEY AT LAW MODESTO IRRIGATION DISTRICT 1231 11TH STREET MODESTO, CA 95354

BARBARA R. BARKOVICH BARKOVICH & YAP, INC. 44810 ROSEWOOD 1 MENDOCINO, CA 95460 44810 ROSEWOOD TERRACE

WILLIAM B. MARCUS JBS ENERGY, INC. 311 D STREET, SUITE A WEST SACRAMENTO, CA 95608

RICHARD D. ELY DAVIS HYDRO 27264 MEADOWBROOK DRIVE DAVIS, CA 95618

GRANT A. ROSENBLUM ATTORNEY AT LAW CALIFORNIA INDEPENDENT SYSTEM OPERATOR 151 BLUE RAVINE ROAD 151 BLUE RAVINE ROAD FOLSOM, CA 95630

STACIE FORD CALIFORNIA ISO FOLSOM, CA 95630

ANDREW B. BROWN ATTORNEY AT LAW ELLISON, SCHNEIDER & HARRIS, LLP 2015 H STREET SACRAMENTO, CA 95814

DOUGLAS K. KERNER ATTORNEY AT LAW ELLISON, SCHNEIDER & HARRIS, LLP 2015 H STREET SACRAMENTO, CA 95814

ANN L. TROWBRIDGE ATTORNEY AT LAW DAY CARTER MURPHY LLC

3620 AMERICAN RIVER DRIVE, SUITE 205

CACCRAMENTO CA 95864

ALCANIAR & ROLL, LLC

1300 SW FIFTH AVENUE, SUITE 1750

PORTLAND, OR 97201

MICHAEL ALCANTAR ATTORNEY AT LAW

## **Information Only**

CARLO ZORZOLI ENEL NORTH AMERICA, INC. 1 TECH DRIVE, SUITE 220 ANDOVER, MA 01810

DANIEL V. GULINO RIDGEWOOD POWER MANAGEMENT, LLC 947 LINWOOD AVENUE RIDGEWOOD, NJ 07450

WILLIAM P. SHORT RIDGEWOOD POWER MANAGEMENT, LLC 947 LINWOOD AVENUE RIDGEWOOD, NJ 07450

RICHARD M. ESTEVES SESCO, INC. 77 YACHT CLUB DRIVE, SUITE 1000 LAKE HOPATCONG, NJ 07849

CAROL A. SMOOTS PERKINS COIE LLP 607 FOURTEENTH STREET, NW, SUITE 800 WASHINGTON, DC 20005

JOSEPH B. WILLIAMS MCDERMOTT WILL & EMERGY LLP 600 THIRTEENTH STREET, N.W. WASHINGTON, DC 20005-3096

MICHAEL A. YUFFEE MCDERMOTT WILL & EMERY LLP 600 THIRTEENTH STREET, N.W. WASHINGTON, DC 20005-3096

ANAN H. SOKKER LEGAL ASSISTANT CHADBOURNE & PARKE LLP 1200 NEW HAMPSHIRE AVE. NW WASHINGTON, DC 20036

ROBERT SHAPIRO CHADBOURNE & PARKE LLP 1200 NEW HAMPSHIRE AVE. NW WASHINGTON, DC 20036

TANDY MCMANNES SOLAR THERMAL ELECTRIC ALLIANCE 101 OCEAN BLUFFS BLVD.APT.504 JUPITER, FL 33477-7362

RALPH E. DENNIS DIRECTOR, REGULATORY AFFAIRS FELLON-MCCORD & ASSOCIATES MIDWEST GENERATION EME
CONSTELLATION NEWENERGY-GAS DIVISION 440 SOUTH LASALLE ST., SUITE 3500
9960 CORPORATE CAMPUS DRIVE, STE 2000 CHICAGO, IL 60605 LOUISVILLE, KY 40223

DOUGLAS MCFARLAN VP, PUBLIC AFFAIRS

BRIAN HANEY UTILITY SYSTEM EFFICIENCIES, INC. 1000 BOURBON ST., 341 NEW ORLEANS, LA 70116

DAVID SAUL COO SOLEL, INC. 701 NORTH GREEN VALLEY PKY, STE 200 HENDERSON, NV 89074

CHRISTOPHER HILEN ASSISTANT GENERAL COUNSEL SIERRA PACIFIC POWER COMPANY 6100 NEIL ROAD RENO, NV 89511

RASHA PRINCE SOUTHERN CALIFORNIA GAS COMPANY 555 WEST 5TH STREET, GT14D6 LOS ANGELES, CA 90013

HOWARD W. CHOY DIVISION MANAGER LOS ANGELES COUNTY ISD, FACILITIES OPERA MANATT, PHELPS & PHILLIPS, LLP 1100 NORTH EASTERN AVENUE 11355 WEST OLYMPIC BOULEVARD LOS ANGELES, CA 90063

DAVID L. HUARD ATTORNEY AT LAW LOS ANGELES, CA 90064

RANDALL W. KEEN MANATT, PHLEPS & PHILLIPS, LLP 11355 WEST OLYMPICS BLVD. LOS ANGELES, CA 90064

CURTIS KEBLER GOLDMAN, SACHS & CO. 2121 AVENUE OF THE STARS LOS ANGELES, CA 90067

SAM HITZ CALIFORNIA CLIMATE ACTION REGISTRY ICF CONSULTING
515 S. FLOWER STREET, STE 1640 14724 VENTURA BLVD., NO. 1001
LOS ANGELES, CA 90071 SHERMAN OAKS, CA 91403 LOS ANGELES, CA 90071

MICHAEL J. GIBBS

CASE ADMINISTRATION SOUTHERN CALIFORNIA EDISON COMPANY LAW DEPARTMENT 2244 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

ERIC J. ISKEN ATTORNEY AT LAW SOUTHERN CALIFORNIA EDISON COMPANY 2244 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

GARY L. ALLEN SOUTHERN CALIFORNIA EDISON 2244 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

LAURA GENAO ATTORNEY AT LAW SOUTHERN CALIFORNIA EDISON COMPANY 2244 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

LIZBETH MCDANNEL 2244 WALNUT GROVE AVE., QUAD 4D ROSEMEAD, CA 91770

TORY S. WEBER SOUTHERN CALIFORNIA EDISON COMPANY 2131 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

JOY C. YAMAGATA SAN DIEGO GAS & ELECTRIC/SOCALGAS 8330 CENTURY PARK COURT

DON WOOD PACIFIC ENERGY POLICY CENTER 4539 LEE AVENUE

SAN DIEGO, CA 91910

LA MESA, CA 91941

TIM HEMIG

NRG ENERGY, INC.

1819 ASTON AVENUE, SUITE 105

SEMPRA ENERGY

101 ASH STREET

SAN DIEGO, CA 92101

GREG BASS SEMPRA ENERGY SOLUTIONS

101 ASH STREET. HQ09

SAN DIEGO, CA 92101-3017

DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO, CA 92103

DONALD C. LIDDELL, P.C.

WILLIAM E. POWERS
RESEARCH/ADMINISTRATIVE DIRECTOR POWERS ENGINEERING
UNIVERSITY OF SAN DIEGO SCHOOL OF LAW
5998 ALCALA PARK SAN DIEGO, CA 92116
SAN DIEGO, CA 92110 SAN DIEGO, CA 92110

CENTRAL FILES CENTRAL FILES
SAN DIEGO GAS & ELECTRIC
8330 CENTURY PARK COURT, CP31E SAN DIEGO, CA 92123

CHUCK MANZUK SAN DIEGO GAS AND ELECTRIC COMPANY CP32D 8330 CENTURY PARK CT SAN DIEGO, CA 92123

IRENE M. STILLINGS EXECUTIVE DIRECTOR CALIFORNIA CENTER FOR SUSTAINABLE ENERGY 8330 CENTURY PARK COURT 8690 BALBOA AVE., STE. 100 SAN DIEGO, CA 92123 SAN DIEGO, CA 92123

JOSEPH KLOBERDANZ SAN DIEGO GAS & ELECTRIC COMPANY

SAN DIEGO GAS AND ELECTRIC COMPANY ATTORNEY AT LAW 8330 CENTURY PARK COURT-CP32H LUCE, FORWARD, FORWARD, FORWARD, CAN DIEGO, CAN 92123-1530

LUCE, FORWARD, HAMILTON & SCRIPPS, LLP 11988 EL CAMINO REAL, SUITE 200 SAN DIEGO, CA 92130

IRVINE, CA 92612-1046

LAWRENCE KOSTRZEWA

REGIONAL VP, DEVELOPMENT

EDISON MISSION ENERGY

18101 VON KARMAN AVE., STE 1700

IRVINE, CA 92612-1046

PHILIP HERRINGTON

REGIONAL VP, BUSINESS MANAGEMENT

EDISON MISSION ENERGY

18101 VON KARMAN AVENUE, STE 1700

IRVINE, CA 92612-1046

JIM MCARTHUR PLANT MANAGER ELK HILLS POWER, LLC PO BOX 460 4026 SKYLINE ROAD TUPMAN, CA 93276

BARRY LOVELL BERRY PETROLEUM COMPANY 5201 TRUXTUN AVE., SUITE 300 BAKERSFIED, CA 93309

JANIS C. PEPPER CLEAN POWER MARKETS, INC. PO BOX 3206 LOS ALTOS, CA 94024

CHRIS KING CALIFORNIA CONSUMER EMPOWERMENT ONE TWIN DOLPHIN DRIVE REDWOOD CITY, CA 94065

MARC D. JOSEPH ALIURNEI AI LAW

ADAMS, BROADWELL, JOSEPH & CARDOZO

601 GATEWAY BLVD., STE. 1000

SOUTH SAN FRANCISCO, CA 94080

VP POWER PLANT PROJECTS

APTECH ENGINEERING SERVICES INC.

PO BOX 3440

SUNNYVALE, CA 94089-3440 ATTORNEY AT LAW

STEVEN A. LEFTON VP POWER PLANT PROJECTS

DIANE I. FELLMAN LAW OFFICE OF DIANE I. FELLMAN 234 VAN NESS AVENUE SAN FRANCISCO, CA 94102

MATTHEW FREEDMAN ATTORNEY AT LAW THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350 SAN FRANCISCO, CA 94102

NOEL OBIORA CALIF PUBLIC UTILITIES COMMISSION LEGAL DIVISION ROOM 4107 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

KAREN TERRANOVA ALCANTAR & KAHL, LLP 120 MONTGOMERY STREET, STE 2200 SAN FRANCISCO, CA 94104

NORA SHERIFF ATTORNEY AT LAW ALCANTAR & KAHL, LLP 120 MONTGOMERY STREET, SUITE 2200 SAN FRANCISCO, CA 94104

ROD AOKI ATTORNEY AT LAW ALCANTAK & KAHL, LLP 120 MONTGOMERY STREET, SUITE 2200 ALCANTAR & KAHL, LLP SAN FRANCISCO, CA 94104

CHRIS ANN DICKERSON, PHD FREEMAN, SULLIVAN & CO. 100 SPEAR ST., 17/F SAN FRANCISCO, CA 94105

ED LUCHA PACIFIC GAS AND ELECTRIC COMPANY 77 BEALE STREET, MAIL CODE B9A SAN FRANCISCO, CA 94105

MARC KOLB PACIFIC GAS AND ELECTRIC COMPANY 77 BEALE STREET, B918

MARK R. HUFFMAN ATTORNEY AT LAW PACIFIC GAS AND ELECTRIC COMPANY SAN FRANCISCO, CA 94105

77 BEALE STREET SAN FRANCISCO, CA 94105

TOM JARMAN PACIFIC GAS AND ELECTRIC COMPANY

77 BEALE STREET, MAIL CODE B9A

SAN FRANCISCO, CA 94105-1814

CALIFORNIA ENERGY MARKETS
517-B POTRERO AVE
SAN FRANCISCO, CA 94110

BRIAN T. CRAGG ATTORNEY AT LAW

GOODIN MACBRIDE SQUERI RITCHIE & DAY

505 SANSOME STREET, SUITE 900

SAN FRANCISCO, CA 94111

ATTORNEY AT LAW

FOLGER, LEVIN & KAHN, LLP

275 BATTERY STREET, 23RD FLOOR
SAN FRANCISCO, CA 94111 ATTORNEY AT LAW

JANINE L. SCANCARELLI ATTORNEY AT LAW

LISA A. COTTLE KARLEEN O'CONNOR
WINSTON & STRAWN LLP
ATTORNEY AT LAW

101 CALIFORNIA STREET
WINSTON & STRAWN LLP

SAN FRANCISCO, CA 94111
101 CALIFORNIA STREET, 39TH FLOOR
SAN FRANCISCO, CA 94111

LORI ANNE DOLQUEIST

ATTORNEY AT LAW

STEEFEL, LEVITT AND WEISS
ONE EMBARCADERO CENTER, 30TH FLOOR

SAN FRANCISCO, CA 94111 SAN FRANCISCO, CA 94111

ROBERT B. GEX

STEVEN F. GREENWALD ROBERT B. GEX

ATTORNEY AT LAW,

DAVIS WRIGHT TREMAINE LLP

505 MONTGOMERY STREET, SUITE 800

SAN FRANCISCO, CA 94111-6533

STEVEN F. GREENWALD

ATTORNEY AT LAW

DAVIS WRIGHT TREMAINE, LLP

505 MONTGOMERY STREET, SUITE 800

SAN FRANCISCO, CA 94111-6533

CHARLES R. MIDDLEKAUFF ATTORNEY PACIFIC GAS & ELECTRIC COMPANY PO BOX 7442 B30A SAN FRANCISCO, CA 94120

LAW DEPARTMENT FILE ROOM PACIFIC GAS AND ELECTRIC COMPANY PO BOX 7442 SAN FRANCISCO, CA 94120-7442

MARGARET D. BROWN ATTORNEY AT LAW PACIFIC GAS AND ELECTRIC COMPANY SAN FRANCISCO, CA 94123-2108 PO BOX 7442 SAN FRANCISCO, CA 94120-7442

EDWARD C. REMEDIOS 33 TOLEDO WAY

LYNNE BROWN VICE PRESIDENT 24 HARBOR ROAD SAN FRANCISCO, CA 94124

MAURICE CAMPBELL MEMBER CALIFORNIANS FOR RENEWABLE ENERGY, INC. CALIFORNIANS FOR RENEWABLE ENERGY, INC. 1100 BRUSSELS ST. SAN FRANCISCO, CA 94134

ASSISTANT PROJECT MANAGER
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000 MAIL CODE B9A
SAN FRANCISCO, CA 94177

KATHERINE RYZHAYA PACIFIC GAS & ELECTRIC COMPANY MAIL CODE B9A PO BOX 770000 SAN FRANCISCO, CA 94177

NINA BUBNOVA CASE MANAGER PACIFIC GAS AND ELECTRIC COMPANY PO BOX 770000, MAIL CODE B9A SAN FRANCISCO, CA 94177

VALERIE J. WINN PACIFIC GAS AND ELECTRIC COMPANY PO BOX 770000, B9A SAN FRANCISCO, CA 94177-0001

KENNETH E. ABREU 853 OVERLOOK COURT SAN MATEO, CA 94403

MARK J. SMITH FPL ENERGY 3195 DANVILLE BLVD, STE 201 ALAMO, CA 94507

BETH VAUGHAN CALIFORNIA COGENERATION COUNCIL 4391 N. MARSH ELDER COURT CONCORD, CA 94521

MARK HARRER 56 ST. TIMOTHY CT. DANVILLE, CA 94526

ANDREW J. VAN HORN VAN HORN CONSULTING 12 LIND COURT ORINDA, CA 94563

ALEXANDRE B. MAKLER CALPINE CORPORATION 3875 HOPYARD ROAD, SUITE 345 PLEASANTON, CA 94588

AVIS KOWALEWSKI DIRECTOR OF REGULATORY AFFAIRS CALPINE CORPORATION 3875 HOPYARD ROAD, SUITE 345 PLEASANTON, CA 94588

KEVIN DUGGAN CALPINE COPRORATION 3875 HOPYARD ROAD, SUITE 345 PLEASANTON, CA 94588

SARAH BESERRA CALIFORNIA REPORTS 39 CASTLE HILL COURT

PETER W. HANSCHEN ATTORNEY AT LAW MORRISON & FOERSTER, LLP VALLEJO, CA 94591

101 YGNACIO VALLEY ROAD, SUITE 450 WALNUT CREEK, CA 94596

J.A. SAVAGE CALIFORNIA ENERGY CIRCUIT 3006 SHEFFIELD AVE. OAKLAND, CA 94602

MRW & ASSOCIATES, INC. 1814 FRANKLIN STREET, SUITE 720 OAKLAND, CA 94612

DAVID HOWARTH MRW & ASSOCIATES, INC. 1814 FRANKLIN STREET, SUITE 720 OAKLAND, CA 94612 WILLIAM A. MONSEN
MRW & ASSOCIATES, INC.
1814 FRANKLIN STREET, SUITE 720
OAKLAND, CA 94612

REED V. SCHMIDT
BARTLE WELLS ASSOCIATES
1889 ALCATRAZ AVENUE
BERKELEY, CA 94703-2714

JANICE LIN
MANAGING PARTNER
STRATEGEN CONSULTING LLC
146 VICENTE ROAD
BERKELEY, CA 94705

CHRISTOPHER J. MAYER
MODESTO IRRIGATION DISTRICT
PO BOX 4060
MODESTO, CA 95352-4060

ROBERT SARVEY 501 W. GRANTLINE RD TRACY, CA 95376

JOHN C. GABRIELLI GABRIELLI LAW OFFICE 430 D STREET DAVIS, CA 95616 RICHARD MCCANN M.CUBED 2655 PORTAGE BAY ROAD, SUITE 3 DAVIS, CA 95616

SHAWN SMALLWOOD, PH.D. 109 LUZ PLACE DAVIS, CA 95616 DAVID MORSE 1411 W, COVELL BLVD., SUITE 106-292 DAVIS, CA 95616-5934

BRIAN THEAKER
WILLIAMS POWER COMPANY
3161 KEN DEREK LANE
PLACERVILLE, CA 95667

DAVID REYNOLDS
MEMBER SERVICES MANAGER
NORTHERN CALIFORNIA POWER AGENCY
180 CIRBY WAY
ROSEVILLE, CA 95678-6420

STEVEN A. GREENBERG DISTRIBUTED ENERGY STRATEGIES 4100 ORCHARD CANYON LANE VACAVILLE, CA 95688

DOUG DAVIE DAVIE CONSULTING, LLC 3390 BEATTY DRIVE EL DORADO HILLS, CA 95762

DAN L. CARROLL ATTORNEY AT LAW DOWNEY BRAND, LLP 555 CAPITOL MALL, 10TH FLOOR SACRAMENTO, CA 95814

EDWARD J TIEDEMANN KRONICK MOSKOVITZ TIEDEMANN AND GIRARD 27TH FLOOR 400 CAPITOL MALL SACRAMENTO, CA 95814

KEVIN WOODRUFF WOODRUFF EXPERT SERVICES, INC. 1100 K STREET, SUITE 204 SACRAMENTO, CA 95814

STEVEN KELLY POLICY DIRECTOR INDEPENDENT ENERGY PRODUCERS ASSN 1215 K STREET, SUITE 900 SACRAMENTO, CA 95814

WILLIAM W. WESTERFIELD III ATTORNEY AT LAW ELLISON, SCHNEIDER & HARRIS LLP 2015 H STREET SACRAMENTO, CA 95814

VIKKI WOOD SACRAMENTO MUNICIPAL UTILITY DISTRICT 6301 S STREET, MS A204 SACRAMENTO, CA 95817-1899

RICHARD LAUCKHART
HENWOOD ENERGY SERVICES, INC.
2379 GATEWAY OAKS DRIVE, SUITE 200 RICHARD LAUCKHART SACRAMENTO, CA 95833

E. JESUS ARREDONDO DIRECTOR, REGULATORY AND GOVERNMENTAL NRG ENERGY, INC. 3741 GRESHAM LANE SACRAMENTO, CA 95835

KAREN LINDH
LINDH & ASSOCIATES

7909 WALERGA ROAD, NO. 112, PMB 119
2829 CHILDRESS DR.
ANDERSON, CA 96007-3563

COVANTA ENERGY CORPORATION

ANNE FALCON EES CONSULTING, INC. 570 KIRKLAND AVE KIRLAND, WA 98033

DONALD SCHOENBECK RCS, INC. 900 WASHINGTON STREET, SUITE 780 VANCOUVER, WA 98660

### **State Service**

PETER LAI

CAROL A. BROWN CAROL A. BROWN

CALIF PUBLIC UTILITIES COMMISSION

DIVISION OF ADMINISTRATIVE LAW JUDGES

ROOM 5103

CHARLYN A. HOOF

CALIF PUBLIC UT

LEGAL DIVISION

ROOM 4107 505 VAN NESS AVENUE 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

DONNA J. HINES

CALIF PUBLIC UTILITIES COMMISSION

FIRCTRICITY PROCUPERS A PRO ELECTRICITY RESOURCES & PRICING BRANCH WATER BRANCH ROOM 4102 505 VAN NESS AVENUE 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

JULIE HALLIGAN CALIF PUBLIC UTILITIES COMMISSION CONSUMER PROTECTION AND SAFETY DIVISION DIVISION OF ADMINISTRATIVE LAW JUDGES **ROOM 2203** 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

MATTHEW DEAL CALIF PUBLIC UTILITIES COMMISSION EXECUTIVE DIVISION ROOM 5215 505 VAN NESS AVENUE 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO COMMISSION
ROBERT KINOSIAN
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5202
505 VAN NESS AVENUE
505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

ROBERT L. STRAUSS CALIF PUBLIC UTILITIES COMMISSION ENERGY DIVISION AREA 4-A 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

STEVE LINSEY CALIF PUBLIC UTILITIES COMMISSION CONSUMER ISSUES ANALYSIS BRANCH **ROOM 2013** 

AMY C. YIP-KIKUGAWA CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
320 WEST 4TH STREET SUITE 500
LOS ANGELES, CA 90013

ANTI C. ITF-KIROGANA
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5135
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

> CHARLYN A. HOOK CALIF PUBLIC UTILITIES COMMISSION

ROOM 3200

MARK S. WETZELL CALIF PUBLIC UTILITIES COMMISSION ROOM 5009 505 VAN NESS AVENUE

> MERIDETH STERKEL CALIF PUBLIC UTILITIES COMMISSION ENERGY DIVISION AREA 4-A 505 VAN NESS AVENUE

SEPIDEH KHOSROWJAH SEPIDEH KHOSROWJAH CALIF PUBLIC UTILITIES COMMISSION ELECTRICITY RESOURCES & PRICING BRANCH ROOM 4101 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

SUDHEER GOKHALE CALIF PUBLIC UTILITIES COMMISSION ELECTRICITY RESOURCES & PRICING BRANCH ROOM 4209

505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

TERRIE D. PROSPER CALIF PUBLIC UTILITIES COMMISSION EXECUTIVE DIVISION ROOM 5301

THOMAS ROBERTS CALIF PUBLIC UTILITIES COMMISSION CALIF PUBLIC UTILITIES COMMISSION ELECTRICITY RESOURCES & PRICING BRANCH LEGAL DIVISION 

 ROOM 4205
 ROOM 5206

 505 VAN NESS AVENUE
 505 VAN NESS AVENUE

 SAN FRANCISCO, CA 94102-3214
 SAN FRANCISCO, CA 94102-3214

SNULLER PRICE ENERGY AND ENVIRONMENTAL ECONOMICS CALIFORNIA ENERGY COMMISSION 101 MONTGOMERY, SUITE 1600 1516 9TH STREET, MS-26 SAN FRANCISCO, CA 94104 SACRAMENTO, CA 95814

DON SCHULTZ CALIF PUBLIC UTILITIES COMMISSION ELECTRICITY RESOURCES & PRICING BRANCH 770 L STREET, SUITE 1250 770 L STREET, SUITE 1050 SACRAMENTO, CA 95814

MICHAEL JASKE CALIFORNIA ENERGY COMMISSION 1516 9TH STREET, MS-500 SACRAMENTO, CA 95814

IRYNA KWASNY DEPT. OF WATER RESOURCES-CERS DIVISION 3310 EL CAMINO AVE., STE.120 SACRAMENTO, CA 95821

RON WETHERALL ELECTRICITY ANALYSIS OFFICE CALIFORNIA ENERGY COMMISSION 1516 9TH STREET MS 20 SACRAMENTO, CA 96814-5512

505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

THERESA CHO CALIF PUBLIC UTILITIES COMMISSION EXECUTIVE DIVISION ROOM 5207 505 VAN NESS AVENUE 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

> TRACI BONE ROOM 5206

BRADLEY MEISTER

KRIS G. CHISHOLM CALIFORNIA ELECTRICITY OVERSIGHT BOARD SACRAMENTO, CA 95814

WADE MCCARTNEY CALIF PUBLIC UTILITIES COMMISSION DIVISION OF STRATEGIC PLANNING 770 L STREET, SUITE 1050 SACRAMENTO, CA 95814

MARY ANN MILLER ELECTRICITY ANALYSIS OFFICE CALIFORNIA ENERGY COMMISSION 1516 9TH STREET, MS 20 SACRAMENTO, CA 96814-5512

Top of Page Back to INDEX OF SERVICE LISTS

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#### **Parties**

ALAN NOGEE
UNION OF CONCERNED SCIENTISTS
2 BRATTLE SQUARE
CAMBRIDGE, MA 02238

LISA M. DECKER
CONSTELLATION ENERGY GROUP, INC.
111 MARKET PLACE, SUITE 500
BALTIMORE, MD 21202

TOM SKUPNJAK
CPG ENERGY
5211 BIRCH GLEN
RICHMOND, TX 77469

TIMOTHY R. ODIL
MCKENNA LONG & ALDRIDGE LLP
1875 LAWRENCE STREET, SUITE 200
DENVER, CO 80202

DANIEL W. DOUGLASS
DOUGLASS & LIDDELL
21700 OXNARD STREET, SUITE 1030

ROGER BERLINER
ATTORNEY AT LAW
BERLINER LAW PLLC
1747 PENNSYLVANIA AVE. N.W., STE 825
WASHINGTON, DC 20006

JAMES ROSS
RCS INC.
500 CHESTERFIELD CENTER, SUITE 320
CHESTERFIELD, MO 63017

PAUL M. SEBY
MCKENNA LONG & ALDRIDGE LLP
1875 LAWRENCE STREET, SUITE 200
DENVER, CO 80202

MAUREEN LENNON
CALIFORNIA COGENERATION COUNCIL
595 EAST COLORADO BLVD., SUITE 623
PASADENA, CA 91101

BERJ K. PARSEGHIAN ATTORNEY AT LAW SOUTHERN CALIFORNIA EDISON COMPANY

WOODLAND HILLS, CA 91367-8102 2244 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

JAMES WOODRUFF ATTORNEY AT LAW SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770 ROSEMEAD, CA 91770

JANET COMBS ATTORNEY AT LAW

MICHAEL A. BACKSTROM ATTORNEY AT LAW SOUTHERN CALIFORNIA EDISON COMPANY SEMPRA ENERGY RESOURCES 2244 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

DANIEL A. KING ATTORNEY AT LAW 101 ASH STREET SAN DIEGO, CA 92101

GEORGETTA J. BAKER ATTORNEY AT LAW SENIOR DIRECTOR, COUNSEL SAN DIEGO GAS & ELECTRIC/SOCAL GAS EDISON MISSION ENERGY
101 ASH STREET, HQ 13 18101 VON KARMAN AVE., STE 1700
SAN DIEGO, CA 92101 IRVINE, DC 92612-1046 SAN DIEGO, CA 92101

CRYSTAL NEEDHAM SENIOR DIRECTOR, COUNSEL

W. PHILLIP REESE CALIFORNIA BIOMASS ENERGY ALLIANCE, LLC ATTORNEY AT LAW PO BOX 8 SOMIS, CA 93066

MICHEL PETER FLORIO THE UTILITY REFORM NETWORK (TURN) 711 VAN NESS AVENUE, SUITE 350 SAN FRANCISCO, CA 94102

CLEVELAND LEE CALIF PUBLIC UTILITIES COMMISSION LEGAL DIVISION ROOM 5122 505 VAN NESS AVENUE

KAREN P. PAULL
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4300 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

MARION PELEO CALIF PUBLIC UTILITIES COMMISSION LEGAL DIVISION ROOM 4107 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

DEVRA WANG NATURAL RESOURCES DEFENSE COUNCIL 111 SUTTER STREET, 20TH FLOOR SAN FRANCISCO, CA 94104

EVELYN KAHL ATTORNEY AT LAW ALCANTAR & KAHL, LLP 120 MONTGOMERY STREET, SUITE 2200 77 BEALE STREET
SAN FRANCISCO, CA 94104 SAN FRANCISCO, CA 94105

EDWARD V. KURZ ATTORNEY AT LAW PACIFIC GAS AND ELECTRIC COMPANY MARY A. GANDESBERY ATTORNEY AT LAW PACIFIC GAS AND ELECTRIC COMPANY 77 BEALE STREET SAN FRANCISCO, CA 94105

ANN G. GRIMALDI ANN G. GRIMALDI MCKENNA LONG & ALDRIDGE LLP 101 CALIFORNIA STREET, 41ST FLOOR SAN FRANCISCO, CA 94111

JOSEPH M. KARP ATTORNEY AT LAW

ARTHUR L. HAUBENSTOCK PACIFIC GAS AND ELECTRIC COMPANY PO BOX 7442 SAN FRANCISCO, CA 94120

ALAN PURVES CALIFORNIA LANDFILL GAS COALITION 5717 BRISA STREET LIVERMORE, CA 94550

WILLIAM H. BOOTH ATTORNEY AT LAW LAW OFFICES OF WILLIAM H. BOOTH 1500 NEWELL AVENUE, 5TH FLOOR WALNUT CREEK, CA 94596

CLIFF CHEN CLIFF CHEN
UNION OF CONCERNED SCIENTISTS

2397 SHATTUCK AVENUE, SUITE 203

BERKELEY, CA 94704

ERIC LARSEN
ENVIRONMENTAL SCIENTIST

RCM INTERNATIONAL, L.L.C.
PO BOX 4716 BERKELEY, CA 94704

GREGG MORRIS GREEG MORKIS

GREEN POWER INSTITUTE

CALIFORNIA WIND ENERGY ASSOCIA
2039 SHATTUCK AVE., SUITE 402

2560 NINTH STREET, SUITE 213A

SHIRLEY WOO ATTORNEY AT LAW ATTORNEY AT LAW
PACIFIC GAS AND ELECTRIC COMPANY 77 BEALE STREET, B30A SAN FRANCISCO, CA 94105

KAREN BOWEN ATTORNEY AT LAW WINSTON & STRAWN LLP 101 CALIFORNIA STREET SAN FRANCISCO, CA 94111

JEFFREY P. GRAY ATTORNEY AT LAW WINSTON & STRAWN LLP

101 CALIFORNIA STREET

SAN FRANCISCO, CA 94111-5802

DAVIS WRIGHT TREMAINE LLP

505 MONTGOMERY STREET, SUITE 800

SAN FRANCISCO, CA 94111-6533

> SARA STECK MYERS ATTORNEY AT LAW LAW OFFICES OF SARA STECK MYERS 122 - 28TH AVENUE SAN FRANCISCO, CA 94121

RICK NOGER PRAXAIR PLAINFIELD, INC. SUITE 118 2678 BISHOP DRIVE SAN RAMON, CA 94583

ANDREW HOERNER REDEFINING PROGRESS 1904 FRANKLIN STREET, 6TH FLOOR OAKLAND, CA 94612

ERIC LARSEN PO BOX 4716 BERKELEY, CA 94704

NANCY RADER CALIFORNIA WIND ENERGY ASSOCIATION BERKELEY, CA 94704

BERKELEY, CA 94710

TOM BEACH CROSSBORDER ENERGY 2560 NINTH STREET, SUITE 213A BERKELEY, CA 94710-2557

PATRICK MCDONNELL AGLAND ENERGY SERVICES, INC. 2000 NICASIO VALLEY RD. NICASIO, CA 94946

BARBARA GEORGE WOMEN'S ENERGY MATTERS PO BOX 548 FAIRFAX, CA 94978

MICHAEL E. BOYD CALIFORNIANS FOR RENEWABLE ENERGY, INC. 5439 SOQUEL DRIVE SOQUEL, CA 95073

JOY A. WARREN ATTORNEY AT LAW MODESTO IRRIGATION DISTRICT 1231 11TH STREET MODESTO, CA 95354

BARBARA R. BARKOVICH BARKOVICH & YAP, INC. 44810 ROSEWOOD TERRAC MENDOCINO, CA 95460 44810 ROSEWOOD TERRACE

WILLIAM B. MARCUS JBS ENERGY, INC. 311 D STREET, SUITE A WEST SACRAMENTO, CA 95608

RICHARD D. ELY DAVIS HYDRO 27264 MEADOWBROOK DRIVE DAVIS, CA 95618

GRANT A. ROSENBLUM ATTORNEY AT LAW CALIFORNIA INDEPENDENT SYSTEM OPERATOR 151 BLUE RAVINE ROAD FOLSOM, CA 95630

STACIE FORD CALIFORNIA ISO 151 BLUE RAVINE ROAD FOLSOM, CA 95630

ANDREW B. BROWN ATTORNEY AT LAW ELLISON, SCHNEIDER & HARRIS, LLP 2015 H STREET SACRAMENTO, CA 95814

DOUGLAS K. KERNER ATTORNEY AT LAW ELLISON, SCHNEIDER & HARRIS, LLP 2015 H STREET SACRAMENTO, CA 95814

ANN L. TROWBRIDGE ATTORNEY AT LAW DAY CARTER MURPHY LLC 3620 AMERICAN RIVER DRIVE, SUITE 205 1300 SW FIFTH AVENUE, SUITE 1750 SACRAMENTO, CA 95864 PORTLAND, OR 97201

MICHAEL ALCANTAR ATTORNEY AT LAW ALCANTAR & KAHL, LLP

### **Information Only**

CARLO ZORZOLI ENEL NORTH AMERICA, INC. 1 TECH DRIVE, SUITE 220 ANDOVER, MA 01810

DANIEL V. GULINO RIDGEWOOD POWER MANAGEMENT, LLC 947 LINWOOD AVENUE RIDGEWOOD, NJ 07450

WILLIAM P. SHORT RIDGEWOOD POWER MANAGEMENT, LLC 947 LINWOOD AVENUE RIDGEWOOD, NJ 07450

RICHARD M. ESTEVES SESCO, INC. 77 YACHT CLUB DRIVE, SUITE 1000 LAKE HOPATCONG, NJ 07849

CAROL A. SMOOTS PERKINS COIE LLP 607 FOURTEENTH STREET, NW, SUITE 800 WASHINGTON, DC 20005

JOSEPH B. WILLIAMS MCDERMOTT WILL & EMERGY LLP 600 THIRTEENTH STREET, N.W. WASHINGTON, DC 20005-3096

MICHAEL A. YUFFEE MCDERMOTT WILL & EMERY LLP 600 THIRTEENTH STREET, N.W. WASHINGTON, DC 20005-3096

ANAN H. SOKKER LEGAL ASSISTANT CHADBOURNE & PARKE LLP 1200 NEW HAMPSHIRE AVE. NW WASHINGTON, DC 20036

ROBERT SHAPIRO CHADBOURNE & PARKE LLP 1200 NEW HAMPSHIRE AVE. NW WASHINGTON, DC 20036

TANDY MCMANNES SOLAR THERMAL ELECTRIC ALLIANCE 101 OCEAN BLUFFS BLVD.APT.504 JUPITER, FL 33477-7362

RALPH E. DENNIS DIRECTOR, REGULATORY AFFAIRS FELLON-MCCORD & ASSOCIATES MIDWEST GENERATION EME
CONSTELLATION NEWENERGY-GAS DIVISION 440 SOUTH LASALLE ST., SUITE 3500
9960 CORPORATE CAMPUS DRIVE, STE 2000 CHICAGO, IL 60605 LOUISVILLE, KY 40223

DOUGLAS MCFARLAN VP, PUBLIC AFFAIRS

BRIAN HANEY UTILITY SYSTEM EFFICIENCIES, INC. 1000 BOURBON ST., 341 NEW ORLEANS, LA 70116

DAVID SAUL COO SOLEL, INC. 701 NORTH GREEN VALLEY PKY, STE 200 HENDERSON, NV 89074

CHRISTOPHER HILEN ASSISTANT GENERAL COUNSEL SIERRA PACIFIC POWER COMPANY 6100 NEIL ROAD RENO, NV 89511

RASHA PRINCE SOUTHERN CALIFORNIA GAS COMPANY 555 WEST 5TH STREET, GT14D6 LOS ANGELES, CA 90013

HOWARD W. CHOY DIVISION MANAGER LOS ANGELES COUNTY ISD, FACILITIES OPERA MANATT, PHELPS & PHILLIPS, LLP 1100 NORTH EASTERN AVENUE LOS ANGELES, CA 90063

DAVID L. HUARD ATTORNEY AT LAW 11355 WEST OLYMPIC BOULEVARD LOS ANGELES, CA 90064

RANDALL W. KEEN MANATT, PHLEPS & PHILLIPS, LLP 11355 WEST OLYMPICS BLVD. LOS ANGELES, CA 90064

CURTIS KEBLER GOLDMAN, SACHS & CO. 2121 AVENUE OF THE STARS LOS ANGELES, CA 90067

SAM HITZ CALIFORNIA CLIMATE ACTION REGISTRY ICF CONSULTING
515 S. FLOWER STREET, STE 1640 14724 VENTURA BLVD., NO. 1001
LOS ANGELES, CA 90071 SHERMAN OAKS, CA 91403 LOS ANGELES, CA 90071

MICHAEL J. GIBBS

CASE ADMINISTRATION SOUTHERN CALIFORNIA EDISON COMPANY LAW DEPARTMENT 2244 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

ERIC J. ISKEN ATTORNEY AT LAW SOUTHERN CALIFORNIA EDISON COMPANY 2244 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

GARY L. ALLEN SOUTHERN CALIFORNIA EDISON 2244 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

LAURA GENAO ATTORNEY AT LAW SOUTHERN CALIFORNIA EDISON COMPANY 2244 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

LIZBETH MCDANNEL 2244 WALNUT GROVE AVE., QUAD 4D ROSEMEAD, CA 91770

TORY S. WEBER SOUTHERN CALIFORNIA EDISON COMPANY 2131 WALNUT GROVE AVENUE ROSEMEAD, CA 91770

JOY C. YAMAGATA SAN DIEGO GAS & ELECTRIC/SOCALGAS 8330 CENTURY PARK COURT

DON WOOD PACIFIC ENERGY POLICY CENTER 4539 LEE AVENUE

SAN DIEGO, CA 91910

LA MESA, CA 91941

TIM HEMIG NRG ENERGY, INC. 1819 ASTON AVENUE, SUITE 105 CARLSBAD, CA 92008

KEITH W. MELVILLE ATTORNEY AT LAW SEMPRA ENERGY 101 ASH STREET SAN DIEGO, CA 92101

GREG BASS SEMPRA ENERGY SOLUTIONS 101 ASH STREET. HQ09 2928 2ND AVENUE SAN DIEGO, CA 92101-3017 SAN DIEGO, CA 92103

DONALD C. LIDDELL, P.C. DOUGLASS & LIDDELL

SCOTT J. ANDERS SCOTT J. ANDERS

RESEARCH/ADMINISTRATIVE DIRECTOR

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

5998 ALCALA PARK

WILLIAM E. POWERS

POWERS

4452 PARK BLVD., STE. 209

SAN DIEGO, CA 92116 SAN DIEGO, CA 92110

WILLIAM E. POWERS

CENTRAL FILES CENTRAL FILES
SAN DIEGO GAS & ELECTRIC
8330 CENTURY PARK COURT, CP31E SAN DIEGO, CA 92123

CHUCK MANZUK SAN DIEGO GAS AND ELECTRIC COMPANY CP32D 8330 CENTURY PARK CT SAN DIEGO, CA 92123

IRENE M. STILLINGS EXECUTIVE DIRECTOR CALIFORNIA CENTER FOR SUSTAINABLE ENERGY 8330 CENTURY PARK COURT 8690 BALBOA AVE., STE. 100 SAN DIEGO, CA 92123 SAN DIEGO, CA 92123

JOSEPH KLOBERDANZ SAN DIEGO GAS & ELECTRIC COMPANY

DESPINA PAPAPOSTOLOU SAN DIEGO, CA 92123-1530

JOHN W. LESLIE DESPINA PAPAPOSTOLOU

SAN DIEGO GAS AND ELECTRIC COMPANY

8330 CENTURY PARK COURT-CP32H

LUCE, FORWARD, HAMILTON & SCRIPPS, LLP 11988 EL CAMINO REAL, SUITE 200 SAN DIEGO, CA 92130

LAWRENCE KOSTRZEWA

REGIONAL VP, DEVELOPMENT

EDISON MISSION ENERGY

18101 VON KARMAN AVE., STE 1700

IRVINE, CA 92612-1046

PHILIP HERRINGTON

REGIONAL VP, BUSINESS MANAGEMENT

EDISON MISSION ENERGY

18101 VON KARMAN AVENUE, STE 1700

IRVINE, CA 92612-1046

JIM MCARTHUR PLANT MANAGER ELK HILLS POWER, LLC PO BOX 460 4026 SKYLINE ROAD TUPMAN, CA 93276

BARRY LOVELL BERRY PETROLEUM COMPANY 5201 TRUXTUN AVE., SUITE 300 BAKERSFIED, CA 93309

JANIS C. PEPPER CLEAN POWER MARKETS, INC. PO BOX 3206 LOS ALTOS, CA 94024

CHRIS KING CALIFORNIA CONSUMER EMPOWERMENT CALIFORNIA CONSUMER EM.
ONE TWIN DOLPHIN DRIVE REDWOOD CITY, CA 94065

MARC D. JOSEPH ADAMS, BROADWELL, JOSEPH & CARDOZO

APTECH ENGINEERING SERVICES INC.

601 GATEWAY BLVD., STE. 1000

SOUTH SAN FRANCISCO, CA 94080

VP POWER PLANT PROJECTS

APTECH ENGINEERING SERVICES INC.

PO BOX 3440

SUNNYVALE, CA 94089-3440 ATTORNEY AT LAW

STEVEN A. LEFTON VP POWER PLANT PROJECTS

DIANE I. FELLMAN LAW OFFICE OF DIANE I. FELLMAN 234 VAN NESS AVENUE SAN FRANCISCO, CA 94102

MATTHEW FREEDMAN ATTORNEY AT LAW
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE. SUITTE 711 VAN NESS AVENUE, SUITE 350 SAN FRANCISCO, CA 94102

NOEL OBIORA CALIF PUBLIC UTILITIES COMMISSION LEGAL DIVISION ROOM 4107 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

KAREN TERRANOVA ALCANTAR & KAHL, LLP 120 MONTGOMERY STREET, STE 2200 SAN FRANCISCO, CA 94104

NORA SHERIFF ATTORNEY AT LAW ALCANTAR & KAHL, LLP SAN FRANCISCO, CA 94104

ROD AOKI ATTORNEY AT LAW ALCANTAR & KAHL, LLP 120 MONTGOMERY STREET, SUITE 2200 120 MONTGOMERY STREET, SUITE 2200 SAN FRANCISCO, CA 94104

CHRIS ANN DICKERSON, PHD FREEMAN, SULLIVAN & CO. 100 SPEAR ST., 17/F SAN FRANCISCO, CA 94105

ED LUCHA PACIFIC GAS AND ELECTRIC COMPANY 77 BEALE STREET, MAIL CODE B9A SAN FRANCISCO, CA 94105

MARC KOLB PACIFIC GAS AND ELECTRIC COMPANY 77 BEALE STREET, B918

MARK R. HUFFMAN ATTORNEY AT LAW PACIFIC GAS AND ELECTRIC COMPANY SAN FRANCISCO, CA 94105

77 BEALE STREET SAN FRANCISCO, CA 94105

TOM JARMAN PACIFIC GAS AND ELECTRIC COMPANY

77 BEALE STREET, MAIL CODE B9A

SAN FRANCISCO, CA 94105-1814

CALIFORNIA ENERGY MARKETS

517-B POTRERO AVE

SAN FRANCISCO, CA 94110

BRIAN T. CRAGG ATTORNEY AT LAW GOODIN MACBRIDE SQUERI RITCHIE & DAY
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111

ATTOKNEY AT LAW
FOLGER, LEVIN & KAHN, LLP
275 BATTERY STREET, 23RD FLOOR
SAN FRANCISCO, CA 94111

JANINE L. SCANCARELLI ATTORNEY AT LAW

KARLEEN O'CONNOR WINSTON & STRAWN LLP 101 CALIFORNIA STREET SAN FRANCISCO, CA 94111

LISA A. COTTLE ATTORNEY AT LAW
WINSTON & STRAWN LLP
101 CALIFORNIA STREET, 39TH FLOOR
SAN FRANCISCO, CA 94111 SAN FRANCISCO, CA 94111

LORI ANNE DOLQUEIST

ATTORNEY AT LAW

STEEFEL, LEVITT AND WEISS
ONE EMBARCADERO CENTER, 30TH FLOOR

SAN FRANCISCO, CA 94111 SAN FRANCISCO, CA 94111

ROBERT B. GEX

STEVEN F. GREENWALD ROBERT B. GEX

ATTORNEY AT LAW,

DAVIS WRIGHT TREMAINE LLP

505 MONTGOMERY STREET, SUITE 800

SAN FRANCISCO, CA 94111-6533

STEVEN F. GREENWALD

ATTORNEY AT LAW

DAVIS WRIGHT TREMAINE, LLP

505 MONTGOMERY STREET, SUITE 800

SAN FRANCISCO, CA 94111-6533

ATTORNEY

PACIFIC GAS & ELECTRIC COMPANY
PO BOX 7442 B30A

SAN FRANCISCO SAN FRANCISCO, CA 94120

MARGARET D. BROWN ATTORNEY AT LAW PACIFIC GAS AND ELECTRIC COMPANY SAN FRANCISCO, CA 94123-2108 PO BOX 7442 SAN FRANCISCO, CA 94120-7442

EDWARD C. REMEDIOS 33 TOLEDO WAY

LYNNE BROWN VICE PRESIDENT 24 HARBOR ROAD SAN FRANCISCO, CA 94124

MAURICE CAMPBELL MEMBER CALIFORNIANS FOR RENEWABLE ENERGY, INC. CALIFORNIANS FOR RENEWABLE ENERGY, INC. 1100 BRUSSELS ST. SAN FRANCISCO, CA 94134

GRACE LIVINGSTON-NUNLEY GRACE LIVINGSTON-NUNLEY
ASSISTANT PROJECT MANAGER
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000 MAIL CODE B9A SAN FRANCISCO, CA 94177

KATHERINE RYZH
PACIFIC GAS &
MAIL CODE B9A
PO BOX 770000 KATHERINE RYZHAYA PACIFIC GAS & ELECTRIC COMPANY SAN FRANCISCO, CA 94177

NINA BUBNOVA CASE MANAGER PACIFIC GAS AND ELECTRIC COMPANY PO BOX 770000, MAIL CODE B9A SAN FRANCISCO, CA 94177

VALERIE J. WINN PACIFIC GAS AND ELECTRIC COMPANY PO BOX 770000, B9A SAN FRANCISCO, CA 94177-0001

KENNETH E. ABREU 853 OVERLOOK COURT SAN MATEO, CA 94403

MARK J. SMITH FPL ENERGY 3195 DANVILLE BLVD, STE 201 ALAMO, CA 94507

BETH VAUGHAN CALIFORNIA COGENERATION COUNCIL 4391 N. MARSH ELDER COURT CONCORD, CA 94521

MARK HARRER 56 ST. TIMOTHY CT. DANVILLE, CA 94526

ANDREW J. VAN HORN VAN HORN CONSULTING 12 LIND COURT ORINDA, CA 94563

ALEXANDRE B. MAKLER CALPINE CORPORATION 3875 HOPYARD ROAD, SUITE 345 PLEASANTON, CA 94588

AVIS KOWALEWSKI DIRECTOR OF REGULATORY AFFAIRS CALPINE CORPORATION 3875 HOPYARD ROAD, SUITE 345 PLEASANTON, CA 94588

KEVIN DUGGAN CALPINE COPRORATION 3875 HOPYARD ROAD, SUITE 345 PLEASANTON, CA 94588

SARAH BESERRA CALIFORNIA REPORTS 39 CASTLE HILL COURT

PETER W. HANSCHEN ATTORNEY AT LAW MORRISON & FOERSTER, LLP VALLEJO, CA 94591

101 YGNACIO VALLEY ROAD, SUITE 450 WALNUT CREEK, CA 94596

J.A. SAVAGE
CALIFORNIA ENERGY CIRCUIT
3006 SHEFFIELD AVE.
OAKLAND, CA 94602

MRW & ASSOCIATES, INC. 1814 FRANKLIN STREET, SUITE 720 OAKLAND, CA 94612

DAVID HOWARTH MRW & ASSOCIATES, INC. 1814 FRANKLIN STREET, SUITE 720 OAKLAND, CA 94612 WILLIAM A. MONSEN
MRW & ASSOCIATES, INC.
1814 FRANKLIN STREET, SUITE 720
OAKLAND, CA 94612

REED V. SCHMIDT
BARTLE WELLS ASSOCIATES
1889 ALCATRAZ AVENUE
BERKELEY, CA 94703-2714

JANICE LIN
MANAGING PARTNER
STRATEGEN CONSULTING LLC
146 VICENTE ROAD
BERKELEY, CA 94705

CHRISTOPHER J. MAYER
MODESTO IRRIGATION DISTRICT
PO BOX 4060
MODESTO, CA 95352-4060

ROBERT SARVEY 501 W. GRANTLINE RD TRACY, CA 95376

JOHN C. GABRIELLI
GABRIELLI LAW OFFICE
430 D STREET
DAVIS, CA 95616

RICHARD MCCANN M.CUBED 2655 PORTAGE BAY ROAD, SUITE 3 DAVIS, CA 95616

SHAWN SMALLWOOD, PH.D. 109 LUZ PLACE DAVIS, CA 95616 DAVID MORSE 1411 W, COVELL BLVD., SUITE 106-292 DAVIS, CA 95616-5934

BRIAN THEAKER
WILLIAMS POWER COMPANY
3161 KEN DEREK LANE
PLACERVILLE, CA 95667

DAVID REYNOLDS
MEMBER SERVICES MANAGER
NORTHERN CALIFORNIA POWER AGENCY
180 CIRBY WAY
ROSEVILLE, CA 95678-6420

STEVEN A. GREENBERG DISTRIBUTED ENERGY STRATEGIES 4100 ORCHARD CANYON LANE VACAVILLE, CA 95688

DOUG DAVIE DAVIE CONSULTING, LLC 3390 BEATTY DRIVE EL DORADO HILLS, CA 95762

DAN L. CARROLL ATTORNEY AT LAW DOWNEY BRAND, LLP 555 CAPITOL MALL, 10TH FLOOR SACRAMENTO, CA 95814

EDWARD J TIEDEMANN KRONICK MOSKOVITZ TIEDEMANN AND GIRARD 27TH FLOOR 400 CAPITOL MALL SACRAMENTO, CA 95814

KEVIN WOODRUFF WOODRUFF EXPERT SERVICES, INC. 1100 K STREET, SUITE 204 SACRAMENTO, CA 95814

STEVEN KELLI
POLICY DIRECTOR
INDEPENDENT ENERGY PRODUCERS ASSN
1215 K STREET, SUITE 900
SACRAMENTO, CA 95814

WILLIAM W. WESTERFIELD III ATTORNEY AT LAW ELLISON, SCHNEIDER & HARRIS LLP 2015 H STREET SACRAMENTO, CA 95814

VIKKI WOOD SACRAMENTO MUNICIPAL UTILITY DISTRICT 6301 S STREET, MS A204 SACRAMENTO, CA 95817-1899

RICHARD LAUCKHART RICHARD LAUCKHART
HENWOOD ENERGY SERVICES, INC.
2379 GATEWAY OAKS DRIVE, SUITE 200 SACRAMENTO, CA 95833

E. JESUS ARREDONDO DIRECTOR, REGULATORY AND GOVERNMENTAL NRG ENERGY, INC. 3741 GRESHAM LANE SACRAMENTO, CA 95835

KAREN LINDH
LINDH & ASSOCIATES

7909 WALERGA ROAD, NO. 112, PMB 119

COVANTA ENERGY CORPORATION
2829 CHILDRESS DR.
ANDERSON, CA 96007-3563

COVANTA ENERGY CORPORATION

ANNE FALCON EES CONSULTING, INC. 570 KIRKLAND AVE KIRLAND, WA 98033

DONALD SCHOENBECK RCS, INC. 900 WASHINGTON STREET, SUITE 780 VANCOUVER, WA 98660

### **State Service**

PETER LAI

CAROL A. BROWN
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5103
FOOM 4107
SO5 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
CHARLYN A. HOOK
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4107
SO5 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY RESOURCES & PRICING BRANCH
ROOM 4102

JERRY OH
CALIF PUBLIC UTILITIES COMMISSION
WATER BRANCH
WATER BRANCH 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

JULIE HALLIGAN CALIF PUBLIC UTILITIES COMMISSION CONSUMER PROTECTION AND SAFETY DIVISION DIVISION OF ADMINISTRATIVE LAW JUDGES **ROOM 2203** 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

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MIKHAIL HARAMATI CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH

CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION ENERGY RESOURCES BRANCH AREA 4-A 505 VAN NESS AVENUE

ROBERT L. STRAUSS CALIF PUBLIC UTILITIES COMMISSION ENERGY DIVISION AREA 4-A 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

STEVE LINSEY CALIF PUBLIC UTILITIES COMMISSION CONSUMER ISSUES ANALYSIS BRANCH ROOM 2013

AMY C. YIP-KIKUGAWA CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
320 WEST 4TH STREET SUITE 500
LOS ANGELES, CA 90013

CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5135
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ROOM 3200 505 VAN NESS AVENUE

MARK S. WETZELL CALIF PUBLIC UTILITIES COMMISSION ROOM 5009 505 VAN NESS AVENUE

> MERIDETH STERKEL CALIF PUBLIC UTILITIES COMMISSION ENERGY DIVISION AREA 4-A 505 VAN NESS AVENUE

ROBERT KINOSIAN ROOM 5202 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

> SEPIDEH KHOSROWJAH CALIF PUBLIC UTILITIES COMMISSION ELECTRICITY RESOURCES & PRICING BRANCH ROOM 4101 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

SUDHEER GOKHALE CALIF PUBLIC UTILITIES COMMISSION ELECTRICITY RESOURCES & PRICING BRANCH ROOM 4209

505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

TERRIE D. PROSPER CALIF PUBLIC UTILITIES COMMISSION EXECUTIVE DIVISION ROOM 5301

THOMAS ROBERTS CALIF PUBLIC UTILITIES COMMISSION CALIF PUBLIC UTILITIES COMMISSION ELECTRICITY RESOURCES & PRICING BRANCH LEGAL DIVISION **ROOM 4205** 505 VAN NESS AVENUE 505 VAN NESS AVENUE 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

SNULLER PRICE ENERGY AND ENVIRONMENTAL ECONOMICS CALIFORNIA ENERGY COMMISSION 101 MONTGOMERY, SUITE 1600 1516 9TH STREET, MS-26 SAN FRANCISCO, CA 94104 SACRAMENTO, CA 95814 SAN FRANCISCO, CA 94104

DON SCHULTZ CALIF PUBLIC UTILITIES COMMISSION CALIFORNIA ELECTRICITY OVERSIGHT BOARD ELECTRICITY RESOURCES & PRICING BRANCH 770 L STREET, SUITE 1250 770 L STREET, SUITE 1050 SACRAMENTO, CA 95814

MICHAEL JASKE CALIFORNIA ENERGY COMMISSION 1516 9TH STREET, MS-500 SACRAMENTO, CA 95814

IRYNA KWASNY DEPT. OF WATER RESOURCES-CERS DIVISION ELECTRICITY ANALYSIS OFFICE 3310 EL CAMINO AVE., STE.120 SACRAMENTO, CA 95821

RON WETHERALL ELECTRICITY ANALYSIS OFFICE CALIFORNIA ENERGY COMMISSION 1516 9TH STREET MS 20 SACRAMENTO, CA 96814-5512

505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214

THERESA CHO CALIF PUBLIC UTILITIES COMMISSION EXECUTIVE DIVISION ROOM 5207 505 VAN NESS AVENUE 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3214 SAN FRANCISCO, CA 94102-3214

> TRACI BONE ROOM 5206 505 VAN NESS AVENUE

BRADLEY MEISTER

KRIS G. CHISHOLM SACRAMENTO, CA 95814

WADE MCCARTNEY CALIF PUBLIC UTILITIES COMMISSION DIVISION OF STRATEGIC PLANNING 770 L STREET, SUITE 1050 SACRAMENTO, CA 95814

MARY ANN MILLER CALIFORNIA ENERGY COMMISSION 1516 9TH STREET, MS 20 SACRAMENTO, CA 96814-5512

Top of Page Back to INDEX OF SERVICE LISTS